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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,651	08/18/1999	NOBORU AOYAMA	JA9-98-073	6743
24033	7590	11/20/2003	EXAMINER	
KONRAD RAYNES VICTOR & MANN, LLP 315 SOUTH BEVERLY DRIVE SUITE 210 BEVERLY HILLS, CA 90212			YAN, REN LUO	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/376,651

Applicant(s)

AOYAMA, NOBORU

Examiner

Ren L Yan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the non-rotatable member portion as recited in claims 19 and 38 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 4, 22 and 32 are objected to because the recitation of “the align rollers” lacks proper antecedent basis. The independent claims which these claims depend upon only define one align roller.

Claims 36 and 37 are also objected to because the recitation of “the feed assistance member” in each claim does not find proper antecedent basis.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. First of all, the recitation of “the member portion” at the end of the claim lacks proper antecedent basis. Second, since the claim defines a feed assistance roller rotatably mounted to a shaft, the last phrase of the claim that “the member portion is non-rotatable” creates a conflict and renders the claim indefinite.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3, 5, 7, 10-12, 14, 16, 18, 20, 21, 23-25, 27, 29, 30 and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2-81842. The JP 2-81842 reference teaches the detailed structure of a medium feeding device in a sheet-fed printing press as claimed including an align roller disposed below the paper medium 1 and is driven to rotate a conveyor belt 3 so as to transport the medium in one direction along a paper feed path and another align roller 14 for aligning the paper medium 1 in the lateral direction in a horizontal plane (equivalent to the vertical and lateral directions as called by the applicant in the claims), and a feed assistance member in a form of a brush roller 29 mounted on a shaft 28 for applying pressure to the paper medium 1 so as to stabilize the paper sheet during the aligning operation. The brush roller 29 is not rotatably connected to the align rollers 4 and 14 and is not vertically aligned with the align rollers as recited. The brush roller 29 is mounted between the two align rollers as recited. See Figs. 1-4 and the enclosed English translation of JP 2-81842 for details. With respect to claims 5 and 12, the brush roller 29 is aligned in the direction of the paper medium movement as recited. With respect to claims 7 and 16, the brush roller 29 supported by a bracket arm 22 pivotally mounted at pivot 27 for up and down movement by the force of paper sheet and thus the total weight of the brush roller 29 is applied downward against the paper medium. Regarding claim 20, the brush roller is rotatably mounted on a shaft 30 supported in a bracket arm 22 so as to move by a force from the paper sheet and the shaft 28 is not aligned with either of the align

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rollers. Regarding claim 38, since a feed assistance roller rotatably mounted to a shaft has been positively required, the feed assistance member is hereby treated as being rotatable. Thus, claim 38 is properly rejected as being anticipated by JP 2-81842.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 8, 9, 13, 15, 17, 22, 26, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2-81842 in view of De Falco et al(5,088,848). With respect to claims 4,13, and 22, JP 2-81842 does not use align rollers with a non-circular cross section. The patent to De Falco et al teaches in a paper sheet feeding device the conventional use of align rollers 48 and 55 with a non-circular cross section rotating in different phases so as to align the sheet alternately in two perpendicular directions. See Fig. 1 in De Falco et al for example. It would have been obvious to those having ordinary skill in the art to provide the align rollers of JP 2-81842 with a non-circular cross section appropriately disposed as taught by De Falco et al in order to effectively move the sheet alternately in the two perpendicular directions so as to effectively align the sheet before printing. With respect to claims 6 and 15, JP 2-81842 does not show how the shaft is mounted on the bracket arm 22. De Falco et al teach in the sheet feeding device the use of bracket 60 having two arms each with an open groove 67 for supporting the roller shafts of 45, 47 and 59. See Fig. 3 in De Falco et al for example. It would have been obvious to those having ordinary skill in the art to provide the bracket arm 22 of JP 2-81842 with open grooves to support the brush roller shaft 28 as taught by De Falco et al as an effective way

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to support a roller shaft. With respect to claims 8 and 17, the brush roller 29 of JP 2-81842 is mounted in a supporting bracket and a spring member 30 is provided to press the brush roller 29 downward against the paper medium. Regarding claims 28 and 31, it is unclear how many align rollers sections there is across the paper width to transport the paper medium in JP 2-81842. De Falco et al teach the use of two align rollers 48 spaced apart to align the sheet in one direction. It would have been obvious to those having ordinary skill in the art to provide JP 2-81842 with two align rollers spaced apart as taught by De Falco et al so as to ensure more even movement of the sheet during the sheet aligning operation.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Patrick et al(5,564,847). The patent to Patrick et al teaches the structure of a feed assistance apparatus as claimed including at least one align roller 114 for feeding a paper medium 100, and a member portion 191 contact the paper medium being fed to increase a friction force generated on the paper medium so as to maintain frictional contact between the drive roller and the paper medium 100. As shown in Fig. 3 of Patrick et al, the member portion 191 is non-rotatable and is not aligned with any roller in the apparatus. See also the paragraph bridging columns 5 and 6 in Patrick et al for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L Yan whose telephone number is 703-308-0978. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Ren L Yan
Primary Examiner
Art Unit 2854

Ren Yan
November 17, 2003